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21AB-CC00145 - VICKI DEDERT V STEVEN E BRADY (E-CASE)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/ Execution
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Sort Date Entries: ☒ Descending ☐ AscendingDisplay Options: **08/26/2021****Summons Personally Served**

Document ID - 21-SMOS-40; Served To - BRADY, STEVEN E; Server - SPECIAL PROCESS SERVER; Served Date - 14-AUG-21; Served Time - 11:33:00; Service Type - Special Process Server; Reason Description - Served; Service Text - SERVED

Associated Entries: 08/03/2021 - Summons Issued-Circuit **Associated Entries: 08/26/2021 - Notice of Service** **Notice of Service**

Proof of Service on Def Steven Brady.21-SMOS-40

Filed By: ANDREW GERARD TOENNIES**Associated Entries: 08/03/2021 - Summons Issued-Circuit** **Associated Entries: 08/26/2021 - Summons Personally Served** **08/03/2021****Summons Issued-Circuit**

Document ID: 21-SMOS-40, for BRADY, STEVEN E.

Associated Entries: 08/26/2021 - Notice of Service **Associated Entries: 08/26/2021 - Summons Personally Served** **Filing Info Sheet eFiling****Filed By:** ANDREW GERARD TOENNIES**Entry of Appearance Filed**

Entry of Appearance.

Filed By: ANDREW GERARD TOENNIES**Pet Filed in Circuit Ct**

Petition.

Filed By: ANDREW GERARD TOENNIES**On Behalf Of:** VICKI DEDERT**Judge Assigned**

IN THE CIRCUIT COURT OF FRANKLIN COUNTY
STATE OF MISSOURI

VICKI DEDERT,)	
)	
Plaintiff,)	Case No.:
)	
v.)	
)	
STEVEN E. BRADY,)	
SERVE:)	
6004 W Knights Griffin Road)	
Plant City, FL 33565)	
)	
Defendant.)	

PETITION FOR DAMAGES FOR WRONGFUL DEATH

Comes now Plaintiff Vicki Dedert, and for her petition against Defendant Steven E. Brady, states as follows:

JURISDICTION, VENUE, AND PARTY ALLEGATIONS

1. Plaintiff is a resident of Florissant in St. Louis County, Missouri.
2. Defendant is a resident of Plant City, Florida.
3. Plaintiff's cause of action against Defendant accrued in Franklin County, Missouri.
4. Plaintiff is the adoptive mother of the late Kurt T. Alley ("Kurt").
5. The amount in controversy in this action exceeds the jurisdictional requirement of this Court.

COUNT I – WRONGFUL DEATH

Comes now Plaintiff who states as follows for Count I of her Petition against Defendant for Wrongful Death:

6. Plaintiff restates and incorporates the allegations contained in Paragraphs 1–5 of this Petition as if fully stated in this Paragraph.
7. On August 11, 2019, Kurt was driving a 2007 Suzuki GSX-R750 motorcycle and Defendant was driving a 2019 Ford Explorer SUV when the two vehicles collided on Missouri Route 100 in Franklin County.
8. Son was travelling eastbound on Missouri Route 100 at the time of the collision.
9. Defendant was crossing the eastbound lanes in an attempt to turn left onto the westbound lanes of Missouri Route 100 at the time of the collision.

10. Kurt began braking but was unable to stop before colliding with the driver's side of Defendant's SUV.

11. Kurt was ejected from his motorcycle by the impact of the collision and launched partially through Defendant's driver's side window.

12. Kurt was pronounced dead at the scene.

13. Defendant had a duty to yield to oncoming traffic from the eastbound lanes when he attempted to cross the lanes.

14. Defendant failed to yield to oncoming traffic from the eastbound lanes, breaching his duty.

15. Defendant's failure to yield to oncoming traffic was the cause of the collision between Kurt and Defendant.

16. The collision caused the death of Kurt Alley.

17. Pursuant to Paragraphs 13–16, Defendant was negligent, and Defendant's negligence resulted in damages to Kurt.

18. Pursuant to Paragraphs 13–17, Son would have been entitled to recover damages from Defendant due to Defendant's negligence had Kurt survived the collision.

19. Pursuant to Paragraphs 4 and 18 and RSMO Section 537.080, Plaintiff as Kurt's adoptive mother is legally entitled to recover damages from Defendant due to Defendant's negligence which resulted in Kurt's death.

WHEREFORE, Plaintiff Vicki Dedert prays for judgment in her favor and against Defendant Steven E. Brady on Count I of Plaintiff's Petition and for an award in a sum in excess of the jurisdictional requirement of this Court and that will fairly and justly compensate Plaintiff for Son's wrongful death, for costs incurred, and for any further relief as this Court deems just and proper.

Respectfully submitted,

/s/Andrew G. Toennies

Andrew G. Toennies #44689

KIRKENDALL DWYER LLP

7710 Carondelet Avenue Ste 404

St. Louis, MO 63105

(314) 678-9182 – Telephone

(314) 582-2013 – Fax

atoennies@kirkendalldwyer.com

Attorney for Plaintiff Vicki Dedert

IN THE CIRCUIT COURT OF FRANKLIN COUNTY
STATE OF MISSOURI

VICKI DEDERT,

Plaintiff,

Case No.:

V.

STEVEN E. BRADY,

SERVE:

6004 W Knights Griffin Road

Plant City, FL 33565

Defendant.

ENTRY OF APPEARANCE

COMES NOW, Andrew G. Toennies of Kirkendall Dwyer, LLP, St. Louis, MO Missouri 63105, and hereby enters his appearance as counsel of record for Plaintiff

Respectfully submitted,

/s/Andrew G. Toennies

Andrew G. Toennies #44689

KIRKENDALL DWYER LLP

7710 Carondelet Avenue Ste 404

St. Louis, MO 63105

(314) 678-9182 – Telephone

(314) 582-2013 – Fax

atoennies@kirkendalldwyer.com

Attorney for Plaintiff Vicki Dedert



IN THE 20TH JUDICIAL CIRCUIT, FRANKLIN COUNTY, MISSOURI

Judge or Division: CRAIG E HELLMANN	Case Number: 21AB-CC00145
Plaintiff/Petitioner: VICKI DEDERT	Plaintiff's/Petitioner's Attorney/Address: ANDREW GERARD TOENNIES 7710 CARONDELET AVE. STE. 404 ST. LOUIS, MO 63105
Defendant/Respondent: STEVEN E BRADY	Court Address: 401 E MAIN ST UNION, MO 63084
Nature of Suit: CC Wrongful Death	(Date File Stamp)

Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)

The State of Missouri to: STEVEN E BRADY

Alias:

6004 W KNIGHTS GRIFFIN RD
PLANT CITY, FL 33565

COURT SEAL OF



FRANKLIN COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

August 3, 2021

Date

Further Information:

/s/pmh d.c.

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above summons by: (check one)
 - ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
 - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
 - ☐ other: _____

Served at _____ (address)

in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees

Summons \$ _____
 Non Est \$ _____
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____

See the following page for directions to officer making return on service of summons.

Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age who permanently resides with the defendant/respondent, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.



IN THE 20TH JUDICIAL CIRCUIT, FRANKLIN COUNTY, MISSOURI

Judge or Division: CRAIG E HELLMANN	Case Number: 21AB-CC00145
Plaintiff/Petitioner: VICKI DEDERT	Plaintiff's/Petitioner's Attorney/Address: ANDREW GERARD TOENNIES 7710 CARONDELET AVE. STE. 404 ST. LOUIS, MO 63105
Defendant/Respondent: STEVEN E BRADY	Court Address: 401 E MAIN ST UNION, MO 63084
Nature of Suit: CC Wrongful Death	

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Summons for Personal Service Outside the State of Missouri
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The State of Missouri to: STEVEN E BRADY

Alias:

6004 W KNIGHTS GRIFFIN RD
PLANT CITY, FL 33565

COURT SEAL OF



FRANKLIN COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

August 3, 2021

Date

Further Information:

/s/ pmh d.c.

Officer's or Server's Affidavit of Service

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- My official title is _____ of _____ County, _____ (state).
- I have served the above summons by: (check one)
 - ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
 - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
 - ☐ other: _____

Served at _____ (address)

in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
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The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

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AFFIDAVIT OF SERVICE

Job # 44516

Client Info:

Kirkendall Dwyer, LLP
7710 Carondelet Avenue, Suite 404
Saint Louis, MO 63105

Case Info:

PLAINTIFF:

VICKI DEDERT

-versus-

DEFENDANT:

STEVEN E. BRADY

20TH JUDICIAL CIRCUIT

County of Franklin, Missouri
Court Case # **21AB-CC00145**

Service Info:

Received by **Teddy Jacobs**: on August, 11th 2021 at 01:57 PM

Service: I Served **Steven E. Brady**

With: **Summons and Petition for Damages for Wrongful Death**
by leaving with **Steven E. Brady, INDIVIDUALLY**

At Residence **6004 WEST KNIGHTS GRIFFIN ROAD PLANT CITY, FL 33565**

Latitude: **28.076326**, Longitude: **-82.200458**

On **8/14/2021** at **11:33 AM**

Manner of Service: **INDIVIDUAL**

F.S. 48.031(1) INDIVIDUAL SERVICE

Military Status:

Military Status = No

Marital Status:

Inquired if subject was married and was informed subject was married.

I **Teddy Jacobs** certify that I am over the age of 18, have no interest in the above action, and I am authorized in the jurisdiction in which this service was made.



Signature of Server

Teddy Jacobs

Lic # **20-661529**

Accurate Serve

PO Box 5141

Lakeland, FL 33807

Phone: (863) 873-6691

Our Job # **44516**

SUBSCRIBED AND SWORN to before me this 25th day of August , 2021, by **Teddy Jacobs**, Proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me by:

☐ physical presence ☒ online presence.



NOTARY PUBLIC for the state of Florida

